

Amendment No. 1 to SB1663

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 1663*

House Bill No. 1512

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-1-303(a), is amended by adding the following language at the end of the subsection:

A licensed healthcare practitioner shall notify the board that has licensed the practitioner within ten (10) days of starting or ending work at any pain management clinic.

SECTION 2. Tennessee Code Annotated, Section 53-10-312, is amended by adding the following new subsections:

(c) A wholesaler shall design and operate a system to disclose to the wholesaler suspicious orders of controlled substances. A wholesaler shall inform the board of pharmacy and the boards whose licensees have prescribing authority of suspicious orders when discovered. Suspicious orders include orders of unusual size, orders deviating substantially from a normal pattern, and orders of unusual frequency.

(d) In the event of the discovery of the theft or significant loss of controlled substances, a wholesaler shall report such theft or significant loss to the committee and local law enforcement within one (1) business day of discovery of the theft or loss.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following new section:

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(a) Except as provided in § 63-1-313, a health care prescriber licensed under this title may not dispense an opioid or benzodiazepine. This section shall not apply to:

(1) The dispensing of complimentary packages of medicinal drugs that are labeled as a drug sample or complimentary drug to the practitioner's own patients in the regular course of practice without the payment of a fee or remuneration of any kind;

(2) The dispensing of opioids or benzodiazepines in the health care system of the department of corrections;

(3) The dispensing of opioids or benzodiazepines in connection with the performance of a surgical procedure performed at a licensed health care facility. The amount dispensed pursuant to this subdivision (a) (3) may not exceed a seven (7) day supply. This exception does not allow for the dispensing of an opioid or benzodiazepine more than seven (7) days after the performance of the surgical procedure;

(4) The dispensing of opioids or benzodiazepines pursuant to an approved clinical trial. For purposes of this subsection, the term "approved clinical trial" means a clinical research study or clinical investigation that, in whole or in part, is state or federally funded or is conducted under an investigational new drug application that is reviewed by the United States food and drug administration;

(5) The dispensing of an opioid drug in a nonresidential substitution-based treatment center for opiate addiction, as defined in § 68-11-1602;

(6) The dispensing of an opioid or benzodiazepine to a patient of a facility that is licensed by the board for licensing healthcare facilities pursuant to § 68-11-202; or

(7) The dispensing of an opioid or benzodiazepine to a patient of a facility licensed under Title 33.

(b) Within ten (10) days after the effective date of this act, each medical practitioner licensed under this title, unless the practitioner meets one (1) of the exceptions listed in subsection (a), shall ensure that the undispensed inventory of opioids and benzodiazepines purchased under the prescriber's drug enforcement administration number for dispensing is:

(1) Returned in compliance with this act to a licensed third party reverse distributor; or

(2) Turned in to local law enforcement agencies and abandoned.

(c) Wholesalers shall buy back the undispensed inventory of opioids and benzodiazepines, which are in the manufacturer's original packing, unopened, and in date, in accordance with the established policies of the wholesaler or the contractual terms between the wholesaler and the practitioner concerning returns.

SECTION 4. Tennessee Code Annotated, Section 63-1-102, is amended by adding the following new, appropriately designated subdivision:

() "Health care prescriber" means a:

(A) Physician licensed under chapter 6 or 9 of this title;

(B) Dentist licensed under chapter 5 of this title;

- (C) Nurse licensed under chapter 7 of this title;
- (D) Podiatrist licensed under chapter 3 of this title;
- (E) Optometrist licensed under chapter 8 of this title; and
- (G) Physician assistant licensed under chapter 19 of this title;

SECTION 5. The commissioner of health is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect January 1, 2015, the public welfare requiring it.